

# **Exhibit 1**

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON,

NO. 3:17-cv-05806-RJB

Plaintiff,

v.

THE GEO GROUP, INC.,

WASHINGTON'S ANSWERS AND  
RESPONSES TO GEO'S FIRST SET  
OF INTERROGATORIES AND  
REQUESTS FOR PRODUCTION OF  
DOCUMENTS

Defendant.

**OBJECTIONS**

Pursuant to Federal Rules of Civil Procedure 26, 33, and 34, Plaintiff State of Washington ("Washington") hereby responds to Defendant The GEO Group, Inc.'s First Set of Interrogatories and Requests for Production Propounded to the State of Washington (collectively, "Requests").

**GENERAL OBJECTIONS**

1. Washington objects to the Requests to the extent that they seek documents and information protected from disclosure by the attorney-client privilege, attorney work product doctrine, common interest doctrine, deliberative process privilege, law enforcement privilege, and/or any other applicable legal privilege. If any privileged information is inadvertently produced, Washington does not waive or intend to waive the privilege pertaining to such information.

2. Washington objects to the definition of the term "You" and "State" on the basis

1 and therefore equally available to GEO. Washington additionally objects to this Request to the  
 2 extent it calls for the production of documents protected by the attorney work product doctrine  
 3 or the common interest doctrine. Without waiving any objection, Washington identifies the  
 4 below documents as responsive to Request for Production No. 4.

- 5 1. GEO's contract with U.S. Immigration and Customs Enforcement. *See* WA00000001 –  
 6 WA00000369
- 7 2. 2011 Performance-Based National Detention Standards. *See* WA00000370 –  
 8 WA00000824;
- 9 3. Letter to GEO's Chief Executive Officer from Tacoma Mayor Marilyn Strickland (Feb. 24,  
 10 2017). *See* WA00001023 – WA00001025;
- 11 4. Letter to Mayor Strickland from Joan Mell (Mar. 6, 2017). *See* WA00001026 –  
 12 WA00001027;
- 13 5. Certificate of Compliance from Lowell Clark, Facility Administrator (Mar. 6, 2017). *See*  
 14 WA00001028;
- 15 6. The GEO Group, Inc., 2016 Annual Report. *See* WA00001102 – WA00001260;
- 16 7. The GEO NWDC Detainee Handbook. *See* WA00001261 – WA00001298.

17 Investigation and discovery are continuing.

18  
 19 **INTERROGATORY NO. 5:** Explain what motivated Attorney General Bob Ferguson  
 20 to claim on behalf of the State that GEO should pay detainees minimum wages for their  
 21 participation in the voluntary work program while ICE detains these individuals at the NWDC.

22 **ANSWER:** Washington objects to this Interrogatory to the extent it calls for information  
 23 protected by attorney-client privilege and the attorney work product doctrine, the common  
 24 interest doctrine, and deliberative process privilege. In addition, Washington objects to this  
 25 Request because it is not reasonably likely to lead to discoverable evidence. Without waiving  
 26 any objection, Washington answers: Washington initiated this law enforcement action to ensure

1 that GEO, a private for-profit company operating in Washington, complies with Washington's  
 2 minimum wage laws in order to protect the economic health of the State as well as the health,  
 3 safety, and well-being of Washington residents, including detainee and non-detainee workers.

4  
 5 **REQUEST FOR PRODUCTION NO. 5:** All documents pertaining to your answer to  
 6 Interrogatory No. 5.

7 **RESPONSE:** Washington objects to this Request to the extent it calls for the production of  
 8 documents produced by Defendant or publically available documents, which documents are  
 9 equally available to GEO. Washington additionally objects to this Request to the extent it calls  
 10 for the production of documents protected by attorney-client privilege and the attorney work  
 11 product doctrine, the common interest doctrine, and deliberative process privilege. Without  
 12 waiving any objection, please see Washington's Initial Disclosures and attached documents.  
 13 Washington will produce additional responsive, relevant, documents that are not privileged or  
 14 attorney work product protected.

15  
 16 **INTERROGATORY NO. 6:** Describe the factual basis for your assertion that detainees  
 17 who participate in the voluntary work program are "employees" under RCW 49.46.010(3).

18 **ANSWER:** Washington objects to this Interrogatory to the extent it calls for a legal  
 19 conclusion or a mixed fact/legal conclusion as well as information protected by the attorney  
 20 work product doctrine. Without waiving any objection, Washington answers: GEO is a for-profit  
 21 corporation that owns and operates the NWDC. GEO operates a Voluntary Work Program,  
 22 where detainees perform the duties of specific jobs to which they are assigned by GEO, many of  
 23 which support the essential functions of the operations of the NWDC, including but not limited  
 24 to: food preparation and service, laundry, janitorial, painting, barber shop, and the law library.  
 25 For the work the detainee workers perform in the Voluntary Work Program GEO sets its  
 26 compensation rate for detainee-workers at \$1 per day. GEO's policies, practices, procedures,

1 **REQUEST FOR PRODUCTION NO. 10:** Produce for inspection and copying any and all  
2 documents pertaining to your answer to Interrogatory No. 10.

3 **RESPONSE:** Washington objects to this Request to the extent it calls for the disclosure of  
4 information protected by the attorney work product doctrine. Washington further objects to the  
5 extent this calls for a legal conclusion or a mixed fact/legal conclusion. Without waiving any  
6 objection, please see Response to Requests for Production Nos. 6, 7, and 8. Investigation and  
7 discovery are continuing.

8  
9 **INTERROGATORY NO. 11:** Explain why the State waited until Donald Trump was  
10 elected and expressed his opinions on immigration before bringing this lawsuit? Include in your  
11 answer a description of what and when the State knew about the voluntary work program at the  
12 NWDC prior to filing its lawsuit specific to the \$1.00 per day payments.

13 **ANSWER:** Washington objects to this Interrogatory to the extent it calls for information  
14 protected by the attorney-client privilege and the attorney work product doctrine. Washington  
15 also objects to this Interrogatory to the extent it calls for information covered by the common  
16 interest doctrine and deliberative process privileges. Washington also objects to this Request as  
17 not reasonably calculated to lead to the discovery of admissible evidence as it seeks documents  
18 not related to the claims or defenses asserted in this case. Without waiving any objection,  
19 Washington brought suit to protect the health, safety, and well-being of its residents and  
20 Washington workers, both detainee and non-detainee, as well as the economic health of the State,  
21 and to ensure that GEO, a private for-profit company operating in Washington, complies with  
22 Washington's minimum wage laws. Without waiving any objections, please also see Answers  
23 to Interrogatories Nos. 4, 6, and 8, and Responses to Requests Nos. 4, 6, and 8.

24  
25 **REQUEST FOR PRODUCTION NO. 11:** All documents pertaining to your answer to  
26 Interrogatory No. 11.

**RESPONSE:** Washington objects to this Request to the extent it calls for the disclosure of information protected by the attorney work product doctrine. Without waiving any objections, Washington identifies the below documents as responsive to GEO's Request for Production No. 11:

1. 2011 Performance Based National Detention Standards, Section 5.8 (Voluntary Work Program). *See* WA00000754 – WA00000758;
2. The GEO NWDC Detainee Handbook. *See* WA00001308 – WA00001345;
3. Tacoma Public Records Response. *See* WA00001029 – WA00001109 & WA00001356 – WA00001682.

Without waiving any objections, please also see Responses to Requests Nos. 4, 6 and 8. Investigation and discovery are continuing.

**INTERROGATORY NO. 12:** Identify each and every individual who are staff members for AG Ferguson's Campaign including the individuals' name, address and telephone number who have communicated with AG Ferguson about this case.

**ANSWER:** Washington objects to this Interrogatory as irrelevant, harassing, and not reasonably calculated to lead to the discovery of admissible evidence, as it seeks information unrelated to any of the claims and defenses asserted in this case. Washington also objects to this Request on the basis that it seeks information from a non-party outside of Washington's possession, custody, or control.

**REQUEST FOR PRODUCTION NO. 12:** All documents pertaining to your answer to Interrogatory No. 12.

**RESPONSE:** Washington objects to this Request as irrelevant, harassing, and not reasonably calculated to lead to the discovery of admissible evidence, as it seeks documents unrelated to any of the claims and defenses asserted in this case. Washington also objects to this Request on

1 the basis that it seeks documents from a non-party outside of Washington's possession, custody,  
2 or control.

3  
4 **INTERROGATORY NO. 13:** Explain why the Department of Labor and Industries has  
5 never notified GEO, ICE, or anyone at the NWDC that the State's Minimum Wage Act applies  
6 to GEO's voluntary work program at the NWDC?

7 **ANSWER:** Washington objects to this Interrogatory in as much as it seeks information  
8 protected by the work product doctrine and attorney-client privilege. Washington further objects  
9 because this Interrogatory seeks information from a non-party outside of Washington's  
10 possession, custody, or control and is not reasonably calculated to lead to the discovery of  
11 admissible evidence, as it seeks information unrelated to any of the claims and defenses asserted  
12 in this case.

13  
14 **REQUEST FOR PRODUCTION NO. 13:** All documents pertaining to your answer to  
15 Interrogatory No. 13.

16 **RESPONSE:** Washington objects to this Request on the basis that it seeks documents protected  
17 by the work product doctrine and attorney-client privilege. Washington further objects to this  
18 Request in as much as it seeks documents from a non-party outside of Washington's possession,  
19 custody, or control. Washington further objects on the basis this request is not reasonably  
20 calculated to lead to the discovery of admissible evidence, as it seeks documents unrelated to  
21 any of the claims and defenses asserted in this case.

22 **INTERROGATORY NO. 14:** Have you communicated orally or in writing with any  
23 current or former detainee about the allegations asserted in the Complaint? If so identify each  
24 such detainee.

25 **ANSWER:** Washington objects to this Interrogatory to the extent it calls for information  
26 protected by the attorney work product doctrine and the common interest doctrine. Washington

1 **ANSWER:** Without waiving any objections, please see Washington's Answers to  
 2 Interrogatories Nos. 6 and 8 and Responses to Requests for Production Nos. 4, 6, 8, and 11.  
 3 Investigation and discovery are continuing.

4  
 5 **REQUEST FOR PRODUCTION NO. 16:** All documents pertaining to your answer to  
 6 Interrogatory No. 16.

7 **RESPONSE:** Washington objects to this Request to the extent it calls for the production of  
 8 documents protected by the attorney work product doctrine. Washington further objects to this  
 9 Request to the extent it calls for the production of documents produced by GEO or documents  
 10 that are in the sole custody and possession of GEO, especially those related to the extent of  
 11 GEO's use of detainee labor in its operations. Without waiving any objections, please see  
 12 Washington's Responses to Requests for Production Nos. 4, 6, 8, and 11. Investigation and  
 13 discovery are continuing.

14  
 15 **INTERROGATORY NO. 17:** Explain how the voluntary work program at the NWDC  
 16 differs in payment rates from voluntary work programs operated by any state or local entity or  
 17 contractor for a state or local entity that detains people.

18 **ANSWER:** Washington objects to this Interrogatory to the extent it calls for information  
 19 protected by attorney work product. Washington also objects to this Interrogatory to the extent  
 20 that it calls for a legal conclusion or a mixed fact/legal conclusion. Finally, Washington objects  
 21 that this Interrogatory seeks information that is not reasonably calculated to lead to the discovery  
 22 of admissible evidence related to any of the claims or defenses in this case. Without waiving any  
 23 objection, Washington answers: work programs at state and local facilities are statutorily exempt  
 24 from Washington's minimum wage laws. *See* Wash. Rev. Code § 49.46.010(3)(k) ("any resident,  
 25 inmate, or patient of a state, county, or municipal correctional detention, treatment or  
 26 rehabilitative institution" are exempted from Washington's minimum wage laws).



1 **RESPONSE:** Washington objects to the extent this Request seeks non-party documents that are  
 2 not in the possession, custody, or control of the Washington Attorney General's Office.  
 3 Washington further objects to the extent this Request seeks documents protected by the attorney-  
 4 client privilege and the attorney work product doctrine. Without waiving any objections,  
 5 Washington will produce records that are not privileged or protected and are responsive to this  
 6 Request, and direct GEO to see Responses to Requests Nos. 2, 11, 14 and 18.

7  
 8 **REQUEST FOR PRODUCTION NO. 29:** A Form I-765 Application for Employment  
 9 Authorization USCIS for each detainee you claim GEO should have paid minimum wages.

10 **RESPONSE:** Washington objects to the extent this Request seeks non-party documents outside  
 11 of its possession, custody, or control. Washington further objects because GEO has possession  
 12 of the information and documents about the detainee workers it permitted to work at the NWDC  
 13 and any authorizations it may have requested are in its sole custody and control. Without waiving  
 14 any objections, Washington states that it has no responsive documents.

15  
 16 **REQUEST FOR PRODUCTION NO. 30:** All documents described in the State's initial  
 17 disclosures.

18 **RESPONSE:** Please see documents produced with Washington's Initial Disclosures and  
 19 Supplemental Initial Disclosures. WA00000001 – WA000001682.

20  
 21 **REQUEST FOR PRODUCTION NO. 31:** All AG Ferguson's campaign documents that  
 22 mention payment rates in the voluntary work program, The GEO Group, Inc. or the NWDC.  
 23 Include all digital data whether via e-mail, press releases, Facebook messages, Instagrams, or  
 24 digital messaging via social media and the internet.

25 **RESPONSE:** Washington objects on the basis that this Request seeks non-party documents  
 26 outside of its possession, custody, or control. Washington also objects to this Request as

1 irrelevant, harassing, and not reasonably calculated to lead to the discovery of admissible  
 2 evidence. Washington further objects to the extent this Request seeks publicly available  
 3 documents equally accessible to GEO.

4  
 5 **REQUEST FOR PRODUCTION NO. 32:** All documents that contain communications  
 6 about minimum wage payments to detainees, The GEO Group, Inc. or the NWDC between Bob  
 7 Ferguson and any of his campaign staff or consultants. Include all digital data whether via e-  
 8 mail, press releases, Facebook messages, Instagrams, or digital messaging via social media and  
 9 the internet.

10 **RESPONSE:** Washington objects on the basis that this Request seeks non-party documents  
 11 outside of its possession, custody, or control. Washington also objects to this Request as  
 12 irrelevant, harassing, and not reasonably calculated to lead to the discovery of admissible  
 13 evidence. Washington further objects to the extent this Request seeks publicly available  
 14 documents equally accessible to GEO.

15  
 16 **REQUEST FOR PRODUCTION NO. 33:** All documents that communicate to GEO that the  
 17 Minimum Wage Act applies to ICE detainees who participate in the voluntary work program at  
 18 the NWDC.

19 **RESPONSE:** Washington objects to the extent this Request seeks documents in GEO's  
 20 possession, custody, and control. Washington also objects to the extent this Request seeks  
 21 documents not likely to lead to the discovery of admissible evidence. Without waiving any  
 22 objections, Washington will produce any records that are not privileged or protected and are  
 23 responsive to this Request. Please see also Washington's Response to Requests Nos. 4, 6, 8 and  
 24 11.

1 **REQUEST FOR PRODUCTION NO. 34:** All documents about the voluntary work program  
 2 at the NWDC in the possession of any State official or employee to include, but not limited to,  
 3 the Governor's office, the Attorney General's Office, and the Department of Labor and  
 4 Industries. This RFP is intended to locate all documents that show what the State knew about  
 5 the voluntary work program payments to participants and when the State knew it. This would  
 6 include any detainee or advocate complaints about the program and the payment rates.

7 **RESPONSE:** Washington objects to the extent this Request calls for documents protected by  
 8 the attorney work product and common interest doctrines and attorney client privileged material.  
 9 Washington also objects to the extent this Request seeks non-party documents outside of its  
 10 possession, custody, or control. Without waiving any objections, Washington will produce  
 11 records that are not privileged or protected and are responsive to this Request. Please see  
 12 Washington's Answers to Interrogatories and Responses to Requests Nos. 2, 4, 5, 6, 8, 11 and  
 13 14.  
 14

15 **REQUEST FOR PRODUCTION NO. 35:** All documents showing the hours each voluntary  
 16 work program participant was engaged in tasks that the State claims entitle the detainee to  
 17 minimum wage payments and a description of the tasks actually performed or accomplished in  
 18 that time period.

19 **RESPONSE:** Washington objects to this Request to the extent it seeks documents in the custody  
 20 and control of GEO. Washington further objects to the extent this Request seeks the production  
 21 of documents protected by the attorney work product doctrine and common interest doctrine.  
 22 Washington also objects to the Request in as much as it seeks disclosure of documents containing  
 23 identifying information about current and former detainees prior to court entry of a  
 24 Confidentiality Agreement and Protective Order. Without waiving any objections, please see  
 25 Washington's Answers to Interrogatories Nos. 6, 8, 11 and 14 and Response to Requests for  
 26

**CERTIFICATION**

The undersigned, counsel for Plaintiff, has read the above responses to GEO's First Set of Interrogatories and Requests for Production Propounded to Plaintiff and believes them to be in compliance with Fed. R. Civ. P. 26(g).

Dated this 12th day of February, 2018.

**State of Washington Attorney General's Office**  
Counsel for Plaintiff

BY: /s La Rond Baker  
La Rond Baker, WSBA No. 43610  
Andrea Brenneke, WSBA No. 22027  
Marsha Chien, WSBA No. 47020

STATE OF WASHINGTON )  
 )  
COUNTY OF \_\_\_\_\_)

The undersigned, being first duly sworn, upon oath, deposes and says:

I am the \_\_\_\_\_ (title) of \_\_\_\_\_ (agency), for Washington in the above-entitled action; that I have read the above and foregoing answers and responses to GEO's First Set of Interrogatories and Requests for Production Propounded to Plaintiff; know the contents thereof, and believe the same to be true and correct.

\_\_\_\_\_  
(Print Name): \_\_\_\_\_

(Title): \_\_\_\_\_

SIGNED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
(Print Name): \_\_\_\_\_

NOTARY PUBLIC in and for the State of Washington  
residing at \_\_\_\_\_.

My appointment expires: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, La Rond Baker, certify that on February 12, 2018, I caused to be served a true and correct copy of Plaintiff's Responses to Defendant's First Set of Interrogatories and Requests For Production, via electronic mail and personal service as follows:

THREE BRANCHES LAW, PLLC

/s/ Joan K. Mell

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